

September 23, 2005

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IN THE SUPREME COURT OF THE STATE OF IDAHO

2005 Opinion No. 103

STATE OF IDAHO,

Plaintiff-Appellant,

v.

KIM BRENT TAYLOR,

Defendant-Respondent.

Docket No. 30766

Appeal from the District Court of the First Judicial District of the State of Idaho,
in and for Kootenai County. Hon. John T. Mitchell, District Judge.

Hon. Lawrence G. Wasden, Attorney General, Boise, for appellant. Rebekah A.
Cudé, Deputy Attorney General, argued.

Molly J. Huskey, State Appellate Public Defender, Boise for respondent. Eric
Frederickson argued.

In a unanimous opinion released today, the Idaho Supreme Court reversed the judgment
of the district court and remanded for further proceedings consistent with the opinion.

The Defendant in this case, Taylor, was tried and convicted of sexual battery of a minor
child for which the district court sentenced him to thirteen years in the custody of the Idaho
Board of Correction. The district court then suspended execution of the judgment and retained
jurisdiction for 180 days so that Taylor could participate in what is called the “rider” program.
During a “rider,” correctional personnel evaluate defendants and then issue a written report and
recommendation for the sentencing judge to consider when deciding whether to place the
defendant on probation. In this case, the report recommended that Taylor be placed on probation
and that he have an updated psychosexual evaluation and polygraph evaluation as a condition of
probation.

Five days before the expiration of the district court's 180-day retained jurisdiction, the district court held a hearing to decide whether to place Taylor on probation or to relinquish jurisdiction, in which case Taylor would serve his sentence. At the conclusion of that hearing, the district court decided to obtain a second psychosexual evaluation of Taylor before making its decision, and it continued the matter until after the expiration of the retained jurisdiction.

Seven days after the expiration of the 180-day period, the State moved to have Taylor transferred to the state penitentiary on the ground that the district court had lost jurisdiction and could not place Taylor on probation. The district court denied the motion. On the date of the continued hearing, the district court suspended Taylor's sentence and placed him on probation for seven years. The State then appealed.

In an opinion released today, the Idaho Supreme Court reversed the district court's decision. In its opinion, the Court considered the issue of whether the district court had jurisdiction to place the Defendant on probation after the expiration of the 180-day period of retained jurisdiction. The Court held that although Idaho Code § 19-2601(4) was amended in 2005 to extend the court's jurisdiction for thirty additional days in limited circumstances, there was no such exception to the expiration of the court's jurisdiction in 2004 and that upon the expiration of the 180-day time period, the court lost jurisdiction to place the prisoner on probation. As such, the Court held that upon the expiration of the 180-day period of retained jurisdiction in this case, the district court lacked jurisdiction to suspend Taylor's sentence and place him on probation and, therefore, Taylor would remain committed to the custody of the Idaho Board of Correction.